

Assembly Bill No. 1575

Passed the Assembly May 16, 1974

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*Chief Clerk of the Assembly*

Passed the Senate May 14, 1974

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*Secretary of the Senate*

This bill was received by the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 1974, at \_\_\_\_\_ o'clock \_\_\_\_ M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

*An act to amend Section 21100 of, and to add Division 15 (commencing with Section 25000) to, the Public Resources Code, and to repeal Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of the Health and Safety Code, relating to energy resources.*

## LEGISLATIVE COUNSEL'S DIGEST

AB 1575, Warren. Energy resources.

Requires specifically that an environmental impact report prepared pursuant to the Environmental Quality Act of 1970 include a statement of measures to reduce wasteful, inefficient, and unnecessary consumption of energy.

Enacts the Warren-Alquist State Energy Resources Conservation and Development Act.

Declares legislative findings relating to energy resources.

Establishes the State Energy Resources Conservation and Development Commission and prescribes its membership, powers, and duties.

Provides for forecasting and assessment of energy demands and supplies, and for conservation of energy resources by designated methods.

Requires, with exceptions, that power sites and facilities, as defined, be certified by the commission, as prescribed.

Requires the commission to develop and coordinate a program of research and development in energy supply, consumption and conservation and the technology of siting facilities.

Provides for development of contingency plans to deal with possible shortages of electrical energy or fuel supplies.

Imposes various fees and requires the money to be deposited in the State Energy Resources Conservation and Development Special Account, which is established in the General Fund. Requires that money from such

account be provisions of the structure in the

Deletes the requirement for the establishment of a fund for the repair of buildings, within one year after the date of the report pertaining to the buildings.

Provides that the amount of the contribution to Section 21100 shall there be specified in the act.

To be operative.

*The people of the State of California do hereby enact this act to be known as the*

SECTION 21100. The Public Resources Code is amended to read:

21100. The commission shall prepare and certify the report on the environmental impact of the proposed project, approve or disapprove the environmental impact statement, and

(a) The commission shall

(b) Any project shall be avoided or

(c) Mitigation measures to avoid or

impact including, but not limited to, the

wasteful, inefficient, and unnecessary

energy.

(d) Alternative energy sources shall be

(e) The commission shall enhance the

man's energy resources.

(f) Any project which would be

implemented shall be subject to the

(g) The commission shall

action.

account be expended for purposes of carrying out the provisions of this act, when appropriated by the Legislature in the Budget Act.

Deletes designated provisions providing for the establishment of energy insulation regulations for residential buildings, with deletion to be operative on the date one year after the date the commission adopts regulations pertaining to such subject matter.

Provides that there shall be no reimbursement pursuant to Section 2231 of the Revenue and Taxation Code nor shall there be any appropriation made by this act, for specified reasons.

To be operative January 7, 1975.

*The people of the State of California do enact as follows:*

SECTION 1. Section 21100 of the Public Resources Code is amended to read:

21100. All state agencies, boards, and commissions shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they propose to carry out or approve which may have a significant effect on the environment. Such a report shall include a detailed statement setting forth the following:

- (a) The environmental impact of the proposed action.
- (b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact including, but not limited to, measures to reduce wasteful, inefficient, and unnecessary consumption of energy.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.
- (g) The growth-inducing impact of the proposed action.

SEC. 2. Division 15 (commencing with Section 25000) is added to the Public Resources Code, to read:

## DIVISION 15. ENERGY CONSERVATION AND DEVELOPMENT

### CHAPTER 1. TITLE AND GENERAL PROVISIONS

25000. This division shall be known and may be cited as the Warren-Alquist State Energy Resources Conservation and Development Act.

25001. The Legislature hereby finds and declares that electrical energy is essential to the health, safety and welfare of the people of this state and to the state economy, and that it is the responsibility of state government to ensure that a reliable supply of electrical energy is maintained at a level consistent with the need for such energy for protection of public health and safety, for promotion of the general welfare, and for environmental quality protection.

25002. The Legislature further finds and declares that the present rapid rate of growth in demand for electric energy is in part due to wasteful, uneconomic, inefficient, and unnecessary uses of power and a continuation of this trend will result in serious depletion or irreversible commitment of energy, land and water resources, and potential threats to the state's environmental quality.

25003. The Legislature further finds and declares that in planning for future electrical generating and related transmission facilities state, regional, and local plans for land use, urban expansion, transportation systems, environmental protection, and economic development should be considered.

25004. The Legislature further finds and declares that there is a pressing need to accelerate research and development into alternative sources of energy and into improved technology of design and siting of power facilities.

25005. The Legislature further finds and declares that prevention of delays and interruptions in the orderly provision of electrical energy, protection of

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environmental values, and conservation of energy resources require expanded authority and technical capability within state government.

25006. It is the policy of the state and the intent of the Legislature to establish and consolidate the state's responsibility for energy resources, for encouraging, developing, and coordinating research and development into energy supply and demand problems, and for regulating electrical generating and related transmission facilities.

25007. It is further the policy of the state and the intent of the Legislature to employ a range of measures to reduce wasteful, uneconomical, and unnecessary uses of energy, thereby reducing the rate of growth of energy consumption, prudently conserve energy resources, and assure statewide environmental, public safety, and land use goals.

## CHAPTER 2. DEFINITIONS

25100. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

25101. "Applicant" means any person who submits an application for certification pursuant to the provisions of this division.

25102. "Application" means any request for certification of any site and related facility filed in accordance with the procedures established pursuant to this division.

25103. "Coastal zone" means the "coastal zone" as defined in Section 27100.

25104. "Commission" means the State Energy Resources Conservation and Development Commission.

25105. "Construction" means onsite work to install permanent equipment or structure for any facility. "Construction" does not include any of the following:

- (a) The installation of environmental monitoring equipment.
- (b) A soil or geological investigation.
- (c) A topographical survey.

(d) Any other study or investigation to determine the environmental acceptability or feasibility of the use of the site for any particular facility.

(e) Any work to provide access to a site for any of the purposes specified in subdivision (a), (b), (c), or (d).

25106. "Adviser" means the administrative adviser employed by the commission pursuant to Section 25217.

25107. "Electric transmission line" means any electric powerline carrying electric power from a thermal powerplant located within the state to a point of junction with any interconnected transmission system. "Electric transmission line" does not include any replacement on the existing site of existing electric powerlines with electric powerlines equivalent to such existing electric powerlines or the placement of new or additional conductors, insulators, or accessories related to such electric powerlines on supporting structures in existence on the effective date of this division or certified pursuant to this division.

25108. "Electric utility" means any person engaged in, or authorized to engage in, generating, transmitting, or distributing electric power by any facilities, including, but not limited to, any such person who is subject to the regulation of the Public Utilities Commission.

25109. "Energy" means work or heat that is, or may be, produced from any fuel or source whatsoever.

25110. "Facility" means any electric transmission line or thermal powerplant, or both electric transmission line and thermal powerplant, regulated according to the provisions of this division.

25111. "Account" means the State Energy Resources Conservation and Development Special Account.

25112. "Member" or "member of the commission" means a member of the State Energy Resources Conservation and Development Commission appointed pursuant to Section 25200.

25113. "Notice" means the notice of intent, as further defined in Chapter 6 (commencing with Section 25500), which shall state the intention of an applicant to file an application for certification of any site and related facility.

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25114. "Interested party" means any person whom the commission finds and acknowledges as having a real and direct interest in any proceeding or action carried on, under, or as a result of the operation of, this division.

25115. "Permit area" means the "permit area" as defined in Section 27104.

25116. "Person" means any person, firm, association, organization, partnership, business trust, corporation, or company. "Person" also includes any city, county, public district or agency, the state or any department or agency thereof, and the United States to the extent authorized by federal law.

25117. "Plan" means the Emergency Load Curtailment and Energy Distribution Plan.

25118. "Service area" means any contiguous geographic area serviced by the same electric utility.

25119. "Site" means any location on which a facility is constructed or is proposed to be constructed.

25120. "Thermal powerplant" means any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of 50 megawatts or more, and any facilities appurtenant thereto.

25121. "Fuel" means petroleum, crude oil, petroleum product, coal, natural gas, or any other substance used primarily for its energy content.

25122. "Gas utility" means any person engaged in, or authorized to engage in, distributing or transporting natural gas, including, but not limited to, any such person who is subject to the regulation of the Public Utilities Commission.

25123. "Modification of an existing facility" means any alteration, replacement, or improvement of equipment that results in a 50-megawatt or more increase in the electric generating capacity of an existing thermal powerplant or an increase of 25 percent in the peak operating voltage or peak kilowatt capacity of an existing electric transmission line.



## CHAPTER 3. STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

25200. There is in the Resources Agency the State Energy Resources Conservation and Development Commission, consisting of five members appointed by the Governor subject to Section 25204.

25201. One member of the commission shall have a background in the field of engineering or physical science and have knowledge of energy supply or conversion systems; one member shall be an attorney and a member of the State Bar of California with administrative law experience; one member shall have background and experience in the field of environmental protection or the study of ecosystems; one member shall be an economist with background and experience in the field of natural resource management; and one member shall be from the public at large.

25202. The Secretary of the Resources Agency and the President of the Public Utilities Commission shall be ex officio, nonvoting members of the commission, whose presence shall not be counted for a quorum or for vote requirements.

25203. Each member of the commission shall represent the state at large and not any particular area thereof, and shall serve on a full-time basis.

25204. The Governor shall appoint the members of the commission within 30 days after the effective date of this division. Every appointment made by the Governor to the commission shall be subject to the advice and consent of a majority of the members elected to the Senate.

25205. (a) No person shall be a member of the commission who, during the two years prior to appointment on the commission, received any substantial portion of his income directly or indirectly from any electric utility, or who engages in sale or manufacture of any major component of any facility. No member of the commission shall be employed by any electric utility, applicant, or, within two years after he ceases to be a member of the commission, by any person who engages

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in the sale or manufacture of any major component of any facility.

(b) Except as provided in Section 25202, the members of the commission shall not hold any other elected or appointed public office or position.

(c) The members of the commission and all employees of the commission shall comply with all applicable provisions of Section 19251 of the Government Code.

(d) No person who is a member or employee of the commission shall participate personally and substantially as a member or employee of the commission, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, hearing, application, request for a ruling, or other determination, contract, claim, controversy, study, plan, or other particular matter in which, to his knowledge, he, his spouse, minor child, or partner, or any organization in which he is serving, or has served as officer, director, trustee, partner, or employee while serving as a member or employee of the commission or within two years prior to his appointment as a member of the commission, has a direct or indirect financial interest.

(e) No person who is a partner, employer, or employee of a member or employee of the commission shall act as an attorney, agent, or employee for any person other than the state in connection with any judicial or other proceeding, hearing, application, request for a ruling, or other determination, contract, claim, controversy, study, plan, or other particular matter in which the commission is a party or has a direct and substantial interest.

(f) The provisions of this section shall not apply if the Attorney General finds that the interest of the member or employee of the commission is not so substantial as to be deemed likely to affect the integrity of the services which the state may expect from such member or employee.

(g) Any person who violates any provision of this section is guilty of a felony and shall be subject to a fine of not more than ten thousand dollars (\$10,000) or

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imprisonment in the state prison for not more than two years, or both.

25206. The terms of office of the members of the commission shall be for five years, except that the members first appointed to the commission shall classify themselves by lot so that the term of office of one member shall expire at the end of each one of the five years following the effective date of this division. Any vacancy shall be filled by the Governor within 30 days of the date on which a vacancy occurs for the unexpired portion of the term in which it occurs or for any new term of office.

If the Governor fails to make an appointment for any vacancy within such 30-day period, the Senate Rules Committee may make the appointment to fill the vacancy for the unexpired portion of the term in which the vacancy occurred or for any new term of office, subject to the provisions of Section 25204.

25207. The members of the commission shall receive an annual salary as prescribed by Section 11552 of the Government Code.

Each member of the commission shall receive the necessary traveling and other expenses incurred in the performance of his official duties. When necessary, the members of the commission and its employees may travel within or without the state.

25208. Before entering upon the duties of his office each member of the commission shall execute an official bond to the state in the penal sum of twenty-five thousand dollars (\$25,000), conditioned upon the faithful performance of his duties.

25209. Each member of the commission shall have one vote. Except as provided in Section 25211, the affirmative votes of at least three members shall be required for the transaction of any business of the commission.

25210. The commission may hold any hearings and conduct any investigations in any part of the state necessary to carry out its powers and duties prescribed by this division and for such purposes has the same powers as is conferred upon heads of departments of the state by

Article 2 (Part 1, Division 25211.

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Article 2 (commencing with Section 11180) of Chapter 2, Part 1, Division 3, Title 2 of the Government Code.

25211. The commission may appoint a committee of not less than two members of the commission to carry on investigations, inquiries, or hearings which the commission has power to undertake or to hold. Every order made by such committee pursuant to such inquiry, investigation, or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be the order of the commission.

25212. Every two years the Governor shall designate a chairman and vice chairman of the commission from among its members.

25213. The commission shall adopt rules and regulations, as necessary, to carry out the provisions of this division in conformity with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code. The commission shall make available to any person upon request copies of proposed regulations, together with summaries of reasons supporting their adoption.

25214. The commission shall maintain its headquarters in the City of Sacramento and may establish branch offices in such parts of the state as the commission deems necessary. The commission shall hold meetings at such times and at such places as shall be determined by it. All meetings and hearings of the commission shall be open to the public, and opportunity to be heard with respect to the subject of the hearings shall be afforded to any person. Upon request, an interested party may be granted reasonable opportunity to examine any witness testifying at the hearing. The first meeting of the commission shall be held within 30 days after the confirmation of the last member of the commission pursuant to Section 25204. The Governor shall designate the time and place for the first meeting of the commission.

25215. Any member of the commission may be removed from office by the Legislature, by concurrent resolution adopted by a majority vote of all members elected to each house, for dereliction of duty or



corruption or incompetency.

25216. In addition to other duties specified in this division, the commission shall do all of the following:

(a) Undertake a continuing assessment of trends in the consumption of electrical energy and other forms of energy and analyze the social, economic, and environmental consequences of these trends; carry out directly, or cause to be carried out, energy conservation measures specified in Chapter 5 (commencing with Section 25400) of this division; and recommend to the Governor and the Legislature new and expanded energy conservation measures as required to meet the objectives of this division.

(b) Collect from electric utilities, gas utilities, and fuel producers and wholesalers and other sources forecasts of future supplies and consumption of all forms of energy, including electricity, and of future energy or fuel production and transporting facilities to be constructed; independently analyze such forecasts in relation to statewide estimates of population, economic, and other growth factors and in terms of the availability of energy resources, costs to consumers, and other factors; and formally specify statewide and service area electrical energy demands to be utilized as a basis for planning the siting and design of electric power generating and related facilities.

(c) Carry out, or cause to be carried out, under contract or other arrangements, research and development into alternative sources of energy, improvements in energy generation, transmission, and siting, fuel substitution, and other topics related to energy supply, demand, public safety, ecology, and conservation which are of particular statewide importance.

25216.3. (a) The commission shall compile relevant local, regional, state, and federal land use, public safety, environmental, and other standards to be met in designing, siting, and operating facilities in the state; except as provided in subdivision (d) of Section 25402, adopt standards, except for air and water quality, to be met in designing or operating facilities to safeguard

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public health and safety, which may be different from or more stringent than those adopted by local, regional, or other state agencies, or by any federal agency if permitted by federal law; and monitor compliance and ensure that all facilities are operated in accordance with this division.

(b) The local, regional, and other state agencies shall advise the commission as to any change in its standards, ordinances, or laws which are pertinent and relevant to the objective of carrying out the provisions of this division.

25216.5. The commission shall do all of the following:

(a) Prescribe the form and content of applications for facilities; conduct public hearings and take other actions to secure adequate evaluation of applications; and formally act to approve or disapprove applications, including specifying conditions under which approval and continuing operation of any facility shall be permitted.

(b) Prepare an integrated plan specifying actions to be taken in the event of an impending serious shortage of energy, or a clear threat to public health, safety, or welfare.

(c) Evaluate policies governing the establishment of rates for electric power and other sources of energy as related to energy conservation, environmental protection, and other goals and policies established in this division, and transmit recommendations for changes in power-pricing policies and rate schedules to the Governor, the Legislature, to the Public Utilities Commission, and to publicly owned electric utilities.

(d) Serve as a central repository within the state government for the collection and storage of data and information on all forms of energy supply, demand, conservation, public safety, and related subjects.

25217. The commission shall do all of the following:

(a) Appoint an executive director with administration and fiscal experience, who shall serve at its pleasure and whose duties and salary shall be prescribed by the commission.

(b) Appoint an administrative adviser, to serve at the

pleasure of the commission, who shall be an attorney admitted to practice law in this state, and who shall carry out the provisions of Section 25222, as well as other duties prescribed by the commission.

(c) Employ and prescribe the duties of other staff members as necessary to carry out the provisions of this division.

25217.5. The chairman of the commission shall direct the adviser, the executive director, and other staff in the performance of their duties in conformance with the policies and guidelines established by the commission.

25218. In addition to other powers specified in this division, the commission may do any of the following:

(a) Apply for and accept grants, contributions, and appropriations.

(b) Contract for professional services if such work or services cannot be satisfactorily performed by its employees or by any other state agency.

(c) Be sued and sue.

(d) Request and utilize the advice and services of all federal, state, local, and regional agencies.

(e) Adopt any rule or regulation, or take any action, it deems reasonable and necessary to carry out the provisions of this division.

(f) Adopt rules and regulations, or take any action, it deems reasonable and necessary to ensure the free and open participation of any member of the staff in proceedings before the commission.

25218.5. The provisions specifying any power or duty of the commission shall be liberally construed, in order to carry out the objectives of this division.

25219. As to any matter involving the federal government, its departments or agencies, which is within the scope of the power and duties of the commission, the commission may represent its interest or the interest of any county, city, state agency, or public district upon its request, and to that end may correspond, confer, and cooperate with the federal government, its departments or agencies.

25220. The commission may participate as a party, to the extent that it shall determine, in any proceeding

before any federal or state agency having authority whatsoever to approve or disapprove any aspect of a proposed facility, receive notice from any applicant of all applications and pleadings filed subsequently by such applicants in any of such proceedings, and, by its request, receive copies of any of such subsequently filed applications and pleadings that it shall deem necessary.

25221. Upon request of the commission, the Attorney General shall represent the commission and the state in litigation concerning affairs of the commission, unless the Attorney General represents another state agency, in which case the commission shall be authorized to employ other counsel.

25222. The adviser shall insure that full and adequate participation by all interested groups and the public at large is secured in the planning, site and facility certification, energy conservation, and emergency allocation procedures provided in this division. The adviser shall insure that timely and complete notice of commission meetings and public hearings is disseminated to all interested groups and to the public at large. The adviser shall also advise such groups and the public as to effective ways of participating in the commission's proceedings. The adviser shall recommend to the commission additional measures to assure open consideration and public participation in energy planning, site and facility certification, energy conservation, and emergency allocation proceedings.

25223. The commission shall make available any information filed or submitted pursuant to this division under the provisions of the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7, Title 1 of the Government Code.

25224. The commission and other state agencies shall, to the fullest extent possible, exchange records, reports, material, and other information relating to energy resources and conservation and power facilities siting, or any areas of mutual concern, to the end that unnecessary duplication of effort may be avoided.



## CHAPTER 4. PLANNING AND FORECASTING

25300. Every electric utility in the state shall prepare and transmit to the commission within one year after the effective date of this division, and every two years thereafter, a report specifying 5-, 10-, and 20-year forecasts or assessments of loads and resources for its service area. The report shall set forth the facilities which, as determined by the electric utility, will be required to supply electric power during the forecast or assessment periods. The report shall be in a form specified by the commission and shall include all of the following:

(a) A tabulation of estimated peak loads, resources, and reserve margins for each year during the 5- and 10-year forecast or assessment periods, and an estimate of peak load, resources, and reserve margins for the last year in the 20-year forecast or assessment period.

(b) A list of existing electric generating plants in service, with a description of planned and potential generating capacity at existing sites.

(c) A list of facilities which will be needed to serve additional electrical requirements identified in the forecasts or assessments, the general location of such facilities, and the anticipated types of fuel to be utilized in the proposed facilities.

(d) A description of additional system capacity which might be achieved through, among other things, improvements in (1) generating or transmission efficiency, (2) importation of power, (3) interstate or interregional pooling, and (4) other improvements in efficiencies of operation.

(e) An estimation of the availability and cost of fuel resources for the 5-, 10-, and 20-year forecast or assessment periods with a statement by the electric utility describing firm commitments for supplies of fuel required during the forecast or assessment periods.

(f) An annual load duration curve and a forecast of anticipated peak loads for each forecast or assessment period for the residential, commercial, industrial, and such other major demand sectors in the service area of the electric utility as the commission shall determine.

(g) A description of urban development, growth factors, energy and

25301. The electric utility shall submit a common method for loads and resources established in the report shall may transmit information methodology the electric utility components reasons why than that estimate may waive the Section 25300 commission business of the commission accumulation utilities is under provisions of

25302. Upon Section 25300 shall forward Utilities Commission Agency, the Research, and agencies. The to any person forward copy within the six request that the report in and economic open space, elements of copy of the



(g) A description of projected population growth, urban development, industrial expansion, and other growth factors influencing increased demand for electric energy and the bases for such projections.

25301. The commission shall establish and every electric utility shall utilize, for purposes of the report, a common methodology for preparing forecasts of future loads and resources. After applying the commission's established methodology to the mandatory elements of the report specified in Section 25300, any electric utility may transmit to the commission supplementary information and forecasts based upon an alternative methodology. If such alternate methodology is employed, the electric utility shall fully describe the data and other components of the methodology, and shall specify the reasons why the approach is considered more accurate than that established by the commission. The commission may waive the requirements of subdivision (d) or (g) of Section 25300 for any electric utility which the commission determines is not primarily engaged in the business of generating or selling electricity, when the commission determines that the collection and accumulation of any such information from such electric utilities is unnecessary for purposes of carrying out the provisions of this chapter.

25302. Upon receipt of a report required under Section 25300 from an electric utility, the commission shall forward copies thereof to the Legislature, the Public Utilities Commission, the Secretary of the Resources Agency, the Director of the Office of Planning and Research, and other concerned state and federal agencies. The report shall also be made available, at cost, to any person upon request. The commission shall also forward copies of the report to each city and county within the service area covered by the report, and shall request that the city and county review and comment on the report in relation to estimates of population growth and economic development, patterns of land use and open space, and and conservation and other appropriate elements of the adopted city or county general plan. A copy of the report shall be maintained on file for public

inspection in each county.

25303. For a period of four months after the receipt of the reports required under Section 25300 the commission shall receive the comments of any person on the reports. Within such period, the Public Utilities Commission shall submit its independent evaluation and analysis of the reports to the commission.

25304. The commission shall review and evaluate the electric utilities' forecasts of loads and resources, and the comments of the Public Utilities Commission on such forecasts, in relation to the population growth estimates prepared by the Department of Finance, Population Research Unit, and in relation to statewide and regional land use, transportation, and economic development programs and forecasts. The commission shall also examine the implications of the forecast level of loads and resources on, among other things, all of the following:

(a) Critical environmental and other resources of the state, including air and water quality, coastal, natural, and other unique areas, and energy resources.

(b) Public health and safety, general welfare, and the state's economy.

(c) Capital requirements for new facilities and costs to consumers of electricity and other forms of energy.

(d) Other significant factors which relate to the provision of electrical energy in the amounts and in the manner proposed by the electric utilities.

The commission shall also consider reasonable alternative methods to those proposed by the electric utilities to meet forecasted electrical energy requirements.

25305. Within six months after receipt of the reports specified in Section 25300, the commission shall prepare and distribute a preliminary report, setting forth its findings and conclusions regarding the accuracy and acceptability of the electric utilities' forecasts. The report shall be based upon information and views presented in the comments received under Section 25303 and the commission's independent analysis, and shall contain all of the following:

(a) The commission's evaluation of the probable

service area and impact and the and operating utilities and a necessary by the adverse impact

(b) Any pro the electrical electric utilities

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service area and statewide, environmental, and economic impact and the health and safety aspect of constructing and operating the facilities proposed by the electric utilities and a description of the measures considered necessary by the commission to avoid or ameliorate any adverse impacts.

(b) Any proposed alternative methods for meeting the electrical energy requirements identified by the electric utilities.

(c) The anticipated 5- and 10-year level of demand for energy to be utilized as a basis for certification of facilities, and an anticipated 20-year level of demand for energy to be utilized as a basis for recommending energy conservation policies and actions.

(d) Identification, on a statewide and service area basis, of required electric facilities consistent with the anticipated level of demand, both before and after consideration of the possible impacts of recommended conservation measures.

(e) An analysis and evaluation of the means by which the projected annual rate of demand growth of electrical energy may be reduced, together with an estimate of the amount of such reduction to be obtained by each of the means analyzed and evaluated, including a statement of the impact of such reduction on the factors reviewed by the commission set forth in Section 25304 and subdivision (a) of this section.

25306. The commission shall distribute the report required under Section 25305 to the same persons, and under the same conditions, as prescribed in Section 25302.

25307. Within three months after distribution of the commission's preliminary report pursuant to Section 25305, the commission shall hold public hearings of which at least one shall be in the City of Sacramento to obtain the views and comments of the electric utilities, governmental agencies, private groups, and any other person on the commission's proposals and recommendations in the preliminary report.

25308. Within 12 months after receipt of the reports required in Section 25300, the commission shall include



within its biennial report to the Governor and the Legislature, as specified in Section 25309, its final report on the accuracy and acceptability of the electric utilities' forecasts and on the commission's independent analyses and evaluations, as specified in Section 25305.

25309. Beginning January 1, 1977, and every two years thereafter, the commission shall transmit to the Governor and the Legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, and conservation and public health and safety factors, to specify the level of statewide and service area electrical energy demand for each year in the forthcoming 5-, 10-, and 20-year periods, and to provide the basis for state policy and actions in relation thereto, including, but not limited to, approval of new sites for additional facilities. The report shall include, but not be limited to, all of the following:

(a) An overview, looking 20 years ahead, of statewide growth and development as they relate to future requirements for energy, including patterns of urban metropolitan expansion, statewide and service area economic growth, shifts in transportation modes, modifications in building types and design, and other trends and factors which, as determined by the commission, will significantly affect energy consumption and need to be considered in formulating state energy policy and programs.

(b) The level of statewide and service area electrical energy demand for the forthcoming 5- and 10-year forecast or assessment period which, in the judgment of the commission, will reasonably balance requirements of state and service area growth and development, protection of public health and safety, preservation of environmental quality, maintenance of a sound economy, and, as may be provided by law, conservation of energy and resources. Such 5- and 10-year forecasts or assessments established by the commission shall serve as the basis for planning and certification of facilities proposed by electric utilities.

(c) The anticipated level of statewide and service area electrical energy demand for 20 years, which shall serve

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as the basis for recommendations by the commission to the Governor, the Legislature, and other appropriate public and private agencies in the following:

- (1) Demand-reducing policies.
- (2) Conservation of energy.
- (3) Development of potential sources of energy.
- (4) Other policies and actions designed to affect the rate of growth in demand for electrical energy.

(d) A list, including maps, of existing electrical power generating sites, indicating those where the commission has determined that expansion is feasible within the forthcoming 10-year period.

(e) A list, including maps, of possible areas appropriate for additional electrical generating sites, including the generating capacity to be installed at the sites and the type of fuel and other general characteristics of the facilities which, as determined by the commission, will be required to meet the 10-year level of electrical energy demand established by the commission as specified in subdivision (b) of this section.

(f) Based upon the commission's 20-year forecasts or assessment of growth trends in energy consumption and production, identification of potential adverse social, economic, or environmental impacts which might be imposed by continuation of the present trends, including, but not limited to, the costs of electricity and other forms of energy to consumers, significant increases in air, water, and other forms of pollution, threats to public health and safety, and loss of scenic and natural areas.

(g) Assessment of the energy resources available to the state, including among others, fossil fuels and nuclear, solar, and geothermal energy resources; assessment of the potential of, and examination of the availability of, commercially developable fuels, including imported fuels, during the forthcoming 10- and 20-year periods; and recommendations regarding measures to be applied to conserve energy and fuels.

(h) An analysis and evaluation of the means by which the projected annual rate of demand growth of energy may be reduced, together with an estimate of the amount of such reduction to be obtained by each of the means

analyzed and evaluated, including, but not limited to, a statement of the impact of such reduction on the factors reviewed by the commission set forth in Section 25304 and subdivision (a) of this section.

(i) The status of the commission's ongoing research and development program directed to energy supply, demand, and conservation and description of new projects which have been proposed for funding as specified in Chapter 7 (commencing with Section 25600) of this division.

(j) Description of the commission's adopted plan for emergency measures to be applied in the event of impending serious shortage of electrical and other forms of energy as provided in Chapter 8 (commencing with Section 25700) of this division.

(k) Recommendations to the Governor and the Legislature for administrative and legislative actions based on the results of commission studies and evaluations as specified in this section and in Chapter 5 (commencing with Section 25400).

(l) A list, including maps, of sites and potential multiple-facility sites which have been found to be acceptable by the commission pursuant to Sections 25516 and 25516.5, including the generating capacity to be installed at the site and the type of fuel and other general characteristics of the facilities at such sites.

## CHAPTER 5. ENERGY RESOURCES CONSERVATION

25400. The commission shall conduct an ongoing assessment of the opportunities and constraints presented by all forms of energy. The commission shall encourage the balanced use of all sources of energy to meet the state's needs and shall seek to avoid possible undesirable consequences of reliance on a single source of energy.

25401. The commission shall continuously carry out studies, research projects, data collection, and other activities required to assess the nature, extent, and distribution of energy resources to meet the needs of the state, including but not limited to, fossil fuels and solar,

nuclear, and geothermal energy. The commission shall carry out studies, research projects, and data collection to identify and eliminate wasteful, inefficient, and unnecessary uses of energy, including,

(a) Pricing of energy;  
(b) Improved building codes;  
(c) Restriction on energy use to increase the use of energy;  
(d) Improved energy efficiency;  
(e) Advances in energy technology.

(f) Comparison of energy costs and methods of energy production.

The commission shall identify and eliminate forms of energy on which the state is dependent. The Governor and the Legislature shall encourage increases in efficiency of energy use. The commission shall recommend actions for the Governor and the Legislature, as provided in Section 25309, regarding energy conservation actions for the state. The commission shall not be limited to, but may include, geothermal energy, solar energy, and inefficient uses of energy.

25402. Within this division, the commission shall, through public hearings, develop and implement the wasteful, unnecessary, and inefficient consumption of energy.

(a) Prescribe, develop, and enforce energy efficiency standards for climate control systems, building construction standards, and energy use. Such standards shall be greater than the minimum requirements and shall be greater than the requirements for building. In prescribing standards, the commission shall consider the state's developed pursuant to

nuclear, and geothermal energy resources. It shall also carry out studies, technical assessments, research projects, and data collection directed to reducing wasteful, inefficient, unnecessary, or uneconomic uses of energy, including, but not limited to, all of the following:

- (a) Pricing of electricity and other forms of energy.
- (b) Improved building design and insulation.
- (c) Restriction of promotional activities designed to increase the use of electrical energy by consumers.
- (d) Improved appliance efficiency.
- (e) Advances in power generation and transmission technology.
- (f) Comparisons in the efficiencies of alternative methods of energy utilization.

The commission shall survey pursuant to this section all forms of energy on which to base its recommendations to the Governor and Legislature for elimination of waste or increases in efficiency for sources or uses of energy. The commission shall transmit to the Governor and the Legislature, as part of the biennial report specified in Section 25309, recommendations for state policy and actions for the orderly development of all potential sources of energy to meet the state's needs, including, but not limited to, fossil fuels and solar, nuclear, and geothermal energy resources, and to reduce wasteful and inefficient uses of energy.

25402. Within 18 months after the effective date of this division, the commission shall, after one or more public hearings, do all of the following, in order to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy:

- (a) Prescribe, by regulation, lighting, insulation, climate control systems, and other building design and construction standards which increase the efficient use of energy. Such standards shall be economically feasible in that the resultant savings in energy procurement costs shall be greater than the cost of the energy conserving requirements amortized over the economic life of the building. In prescribing standards for insulation, the commission shall take into consideration the standards developed pursuant to Chapter 11 (commencing with



(d) Recommendation for the operation of the facility shall be based on the following factors:

Whenever the provisions of (1987) of Part Code are in conflict with the provisions of the Code to the extent

25403. The Utilities Comm utility, recom unnecessary, resulting from differential rate disallowance of promotional and electrical power measures. The owned electric recommendati date it receives to the Govern reasons therefo

25404. The Office of Planning and other interested agencies ensure that management is efficient, and



state which is not certified by the manufacturer thereof to be in compliance with such standards. Such standards shall be drawn so that they do not result in any added total costs to the consumer over the designed life of the appliances concerned.

(d) Recommend minimum standards of efficiency for the operation of any new facility at a particular site which are technically and economically feasible. No site and related facility shall be certified pursuant to Chapter 6 (commencing with Section 25500) of this division, unless the applicant certifies that standards recommended by the commission have been considered, which certification shall include a statement specifying the extent to which conformance with the recommended standards will be achieved.

Whenever the provisions of this section and the provisions of Chapter 11.5 (commencing with Section 19878) of Part 3 of Division 13 of the Health and Safety Code are in conflict, the commission shall be governed by the provisions of such chapter of the Health and Safety Code to the extent of such conflict.

25403. The commission shall submit to the Public Utilities Commission and to any publicly owned electric utility, recommendations designed to reduce wasteful, unnecessary, or uneconomic energy consumption resulting from practices including, but not limited to, differential rate structures, cost-of-service allocations, the disallowance of a business expense of advertising or promotional activities which encourage the use of electrical power, peakload pricing, and other pricing measures. The Public Utilities Commission or publicly owned electric utility shall review and consider such recommendations and shall, within six months after the date it receives them, as prescribed by this section, report to the Governor and the Legislature its actions and reasons therefor with respect to such recommendations.

25404. The commission shall cooperate with the Office of Planning and Research, the Resources Agency and other interested parties in developing procedures to ensure that mitigation measures to minimize wasteful, inefficient, and unnecessary consumption of energy are

included in all environmental impact reports required on local projects as specified in Section 21151.

25405. A city, county, or city and county may by ordinance or resolution prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of standards adopted pursuant to this chapter.

#### CHAPTER 6. POWER FACILITY AND SITE CERTIFICATION

25500. In accordance with the provisions of this division, the commission shall have the exclusive power to certify all sites and related facilities in the state, except for any site and related facility proposed to be located in the permit area, whether a new site and related facility or a change or addition to an existing facility. The issuance of a certificate by the commission shall be in lieu of any permit, certificate, or similar document required by any state, local or regional agency, or federal agency to the extent permitted by federal law, for such use of the site and related facilities, and shall supersede any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law.

After the effective date of this division, no construction of any facility or modification of any existing facility shall be commenced without first obtaining certification for any such site and related facility by the commission, as prescribed in this division.

25500.5. The commission shall certify sufficient sites and related facilities which are required to provide a supply of electric power sufficient to accommodate the demand projected in the most recent forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309.

25501. The provisions of this chapter do not apply to any site and related facility which meets either of the following requirements:

(a) For which the Public Utilities Commission has issued a certificate of public convenience and necessity before the effective date of this division.

(b) For which within three years

25501.3. A project deemed to be one commence within this division with Section 25501, if a

(a) The planning capacity are considered either set forth in and 3 of General Commission as of in a report of a project

(b) The need to years from the effective related to the project related facility.

(c) Substantial committed for acquisition, or equipment related facility project

25501.5. The following proposed estimated generating of subdivision (b)

(a) As designated Electric Company Commission on and 3 of General Commission, through a generating capacity as Potrero Unit be located in the turbine powerplant megawatts, combined be located in the turbine powerplant megawatts, combined powerplant have megawatts, combined located in Sonoma

(b) For which construction is planned to commence within three years from the effective date of this division.

25501.3. A proposed site and related facility shall be deemed to be one for which construction is planned to commence within three years from the effective date of this division within the meaning of subdivision (b) of Section 25501, if all of the following are satisfied:

(a) The planned operating date and the planned capacity are consistent with the forecast of electric loads either set forth in a report submitted under Sections 2 and 3 of General Order 131 of the Public Utilities Commission as of March 31, 1974, or otherwise disclosed in a report of a public agency as of March 31, 1974.

(b) The need to commence construction within three years from the effective date of this division is reasonably related to the planned operating date of such site and related facility.

(c) Substantial funds have been expended or committed for planning, site investigations, site acquisition, or equipment procurement for such site and related facility prior to the effective date of this division.

25501.5. The Legislature finds and declares that the following proposed sites and facilities with the associated estimated generating capacities meet the requirements of subdivision (b) of Section 25501:

(a) As designated in the report of the Pacific Gas and Electric Company submitted to the Public Utilities Commission on March 1, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, three gas turbine powerplants, each having a generating capacity of 52 megawatts, commonly known as Potrero Unit 4, Potrero Unit 5 and Potrero Unit 6, to be located in the City and County of San Francisco; a gas turbine powerplant having a generating capacity of 52 megawatts, commonly known as Hunters Point Unit 1, to be located in the City and County of San Francisco; a gas turbine powerplant having a generating capacity of 200 megawatts, commonly known as Station C; a geothermal powerplant having a generating capacity of 106 megawatts, commonly known as Geysers Unit 12, to be located in Sonoma County; a geothermal powerplant



having a generating capacity of 110 megawatts, commonly known as Geysers Unit 14, to be located in Sonoma County; a geothermal powerplant having a generating capacity of 55 megawatts, commonly known as Geysers Unit 15, to be located in Sonoma County; a geothermal powerplant having a generating capacity of 135 megawatts, commonly known as Geysers Unit 13, to be located in Lake County; a geothermal powerplant having a generating capacity of 110 megawatts, planned for operation in 1978, to be located in Sonoma County or Lake County; a geothermal powerplant having a generating capacity of 110 megawatts, planned for operation in 1979, to be located in Sonoma County or Lake County; a combined-cycle powerplant having a generating capacity of 800 megawatts, commonly known as Thermal 78, to be located in Contra Costa County near the City of Pittsburg; two combined-cycle powerplants, each having a generating capacity of 800 megawatts, commonly known as Thermal 79 and Thermal 81, to be located in Contra Costa County or Solano County; and a nuclear powerplant having a generating capacity of 1,100 megawatts, commonly known as Nuclear A to be located in Region 1, as shown on page 27 of the report of the Pacific Gas and Electric Company submitted March 1, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, or at the location commonly known as Diablo Canyon in San Luis Obispo County.

(b) As described in the report of the Southern California Edison Company submitted to the Public Utilities Commission on March 8, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, two combined-cycle powerplants, each with a generating capacity of 236 megawatts, commonly known as Cool Water Unit 3 and Cool Water Unit 4, to be located in San Bernardino County; six combined-cycle powerplants, each having a generating capacity of 236 megawatts, commonly known as Huntington Beach Unit 6, Huntington Beach Unit 7, Huntington Beach Unit 8, Huntington Beach Unit 9, Huntington Beach Unit 10 and Huntington Beach Unit

11, to be located combined-cycle capacity of 414 m Valley Unit 1, Lu Unit 3, to be loca nuclear powerpl of 760 megawa Nuclear Project.

(c) As describ and Electric Cor Commission on M and 3 of Gene Commission, two generating capa as South Bay G Turbine Unit 4, fossil-fueled pow 292 megawatts, c located in Sar powerplant hav megawatts, plan in San Diego Co generating cap known as the D Riverside Count

(d) As descri Electric Compa submitted March of the Genera Commission, a generating capa as SMUD Gas County; and a r capacity of 1,100 Seco Unit 2, to

(e) As descri Water and Powe the Public Utili response to Sect Public Utilities C a generating c

110 megawatts, to be located in a powerplant having a generating capacity of 414 megawatts, commonly known as Lucerne Valley Unit 1, Lucerne Valley Unit 2 and Lucerne Valley Unit 3, to be located in San Bernardino County; and two nuclear powerplants, each having a generating capacity of 760 megawatts, commonly known as the Desert Nuclear Project.

(c) As described in the report of the San Diego Gas and Electric Company submitted to the Public Utilities Commission on March 22, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, two gas turbine powerplants, each having a generating capacity of 64 megawatts, commonly known as South Bay Gas Turbine Unit 3 and South Bay Gas Turbine Unit 4, to be located in San Diego County; a fossil-fueled powerplant having a generating capacity of 292 megawatts, commonly known as Encina Unit 5, to be located in San Diego County; a combined-cycle powerplant having a generating capacity of 404 megawatts, planned for operation in 1979, to be located in San Diego County; and a nuclear powerplant having a generating capacity of 1,200 megawatts, commonly known as the Desert Nuclear Project, to be located in Riverside County.

(d) As described in the report of the Pacific Gas and Electric Company to the Public Utilities Commission submitted March 1, 1974, in response to Sections 2 and 3 of the General Order 131 of the Public Utilities Commission, a gas turbine powerplant having a generating capacity of 150 megawatts, commonly known as SMUD Gas Turbines, to be located in Sacramento County; and a nuclear powerplant having a generating capacity of 1,100 megawatts, commonly known as Rancho Seco Unit 2, to be located in Sacramento County.

(e) As described in the report of the Department of Water and Power of the City of Los Angeles submitted to the Public Utilities Commission on March 18, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, a nuclear powerplant having a generating capacity of 1,300 megawatts, commonly

11, to be located in the City of Huntington Beach; three combined-cycle powerplants, each with a generating capacity of 414 megawatts, commonly known as Lucerne Valley Unit 1, Lucerne Valley Unit 2 and Lucerne Valley Unit 3, to be located in San Bernardino County; and two nuclear powerplants, each having a generating capacity of 760 megawatts, commonly known as the Desert Nuclear Project.

of the Southern California Edison Company submitted to the Public Utilities Commission on March 1, 1974, in response to Sections 2 and 3 of General Order 131 of the Public Utilities Commission, a gas turbine powerplant having a generating capacity of 150 megawatts, commonly known as SMUD Gas Turbines, to be located in Sacramento County; and a nuclear powerplant having a generating capacity of 1,100 megawatts, commonly known as Rancho Seco Unit 2, to be located in Sacramento County.

commission may r

Any site and acceptable pursuant to continue to be, eligible for certification with a notice under this

25502.3. Except for a person proposing to amend the provisions of this chapter by submitting to the commission an application for approval of such provisions of this chapter, no person shall amend any provision of such facility.

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25503. Each no shall contain at le facilities, at least whole or in part alternative sites a proposed from previously been a of intent or ma examined. If m proposed, the co methods of provi the proposed mo

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Any site and related facility once found to be acceptable pursuant to Section 25516 is, and shall continue to be, eligible for consideration in an application for certification without further proceedings required for a notice under this chapter.

25502.3. Except as provided in Section 25501.7, any person proposing to construct a facility excluded from the provisions of this chapter may waive such exclusion by submitting to the commission a notice of intention to file an application for certification, and any and all of the provisions of this chapter shall apply to the construction of such facility.

25502.5. The notice is not required to contain three alternative sites and related facilities for additional generating facilities on land owned by an electric utility before the effective date of this division at existing sites east of the town of Clay Station in Sacramento County, in the location commonly known as Diablo Canyon in San Luis Obispo County, and near the City of Pittsburg in Contra Costa County.

25503. Each notice of intention to file an application shall contain at least three alternative sites and related facilities, at least one of which shall not be located in whole or in part in the coastal zone. In addition, the alternative sites and related electrical facilities may be proposed from an inventory of sites which have previously been approved by the commission in a notice of intent or may be proposed from sites previously examined. If modification of an existing facility is proposed, the commission may require that alternative methods of providing the additional service or making the proposed modification be specified in the notice.

25504. The notice of intention shall include a statement by the applicant describing the location of the proposed sites by section or sections, range and township, and county; a summary of the proposed design criteria of the facilities; the type or types of fuels to be used; the methods of construction and operation; the proposed location of facilities and structures on each site; a preliminary statement of the relative economic,

25504.5. An applicant may, in the notice, propose a site to be approved which will accommodate a potential maximum electric generating capacity in excess of the capacity being proposed for the initial approval of the commission. If such a proposal is made, the notice shall include, but not be limited to, in addition to the information specified in Section 25504, all of the following:

25505. Upon receipt of a notice, the commission shall cause a summary of the notice to be published in a newspaper of general circulation in each county in which the sites and related facilities, or any part thereof, designated in the notice are proposed to be located. The commission shall also transmit a copy of the notice to the Public Utilities Commission, for sites and related facilities requiring a certificate of public convenience and necessity, and to other federal, state, regional, and local agencies having an interest in matters pertinent to the proposed facilities at any of the alternative sites. A copy of the notice shall also be transmitted to the Attorney

25506. The cor local, regional, s comments and re operation, and loc notice, in relation and safety, and o expertise.

25507. If any proposed in the ne or in part, within t a site and related the California Co the commission sh California Coastal commission shall r Conservation Cor coastal zone site preliminary findir and related facility report required b

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25506. The commission shall request the appropriate local, regional, state, and federal agencies to make comments and recommendations regarding the design, operation, and location of the facilities designated in the notice, in relation to environmental quality, public health and safety, and other factors on which they may have expertise.

25506.5. The commission shall request the Public Utilities Commission, for sites and related facilities requiring a certificate of public convenience and necessity, to make comments and recommendations regarding the design, operation, and location of the facilities designated in the notice in relation to the economic, financial, rate, system reliability, and service implications of the proposed facilities.

25507. If any alternative site and related facility proposed in the notice is proposed to be located, in whole or in part, within the coastal zone and if a permit for such a site and related facility is required to be obtained from the California Coastal Zone Conservation Commission, the commission shall transmit a copy of the notice to the California Coastal Zone Conservation Commission. The commission shall request that the California Coastal Zone Conservation Commission complete an analysis of any coastal zone site and related facility and forward preliminary findings of the acceptability of any such site and related facility prior to completion of the preliminary report required by Section 25510.

25508. The commission shall cooperate with, and render advice to, the California Coastal Zone Conservation Commission and any appropriate regional coastal zone conservation commission in studying applications for any site and related facility proposed to be located, in whole or in part, within the permit area, if requested by the California Coastal Zone Conservation Commission or a regional coastal zone conservation commission, and may invite the members of the California Coastal Zone Conservation Commission and regional coastal zone conservation commissions to participate in public hearings on the notice and on the



application for site and related facility certification, in connection with matters of mutual concern, as interested parties in such proceedings.

25509. The commission shall conduct a public informational hearing or hearings in the county of the proposed sites and related facilities no earlier than 60 nor later than 90 days from receipt of a notice of intention to file an application. The place of such public informational hearing or hearings shall be as close as practicable to the proposed sites. Any person may participate to the extent deemed reasonable and relevant by the presiding member of the commission, in any such hearing. Such hearings on the original three sites and related facilities shall be concluded within 90 days of their commencement. Such hearings shall be conducted in order to accomplish all of the following purposes:

(a) To set forth the electrical demand basis for the proposed site and related facility.

(b) To provide knowledge and understanding of proposed facilities and sites.

(c) To obtain the views and comments of the public and concerned governmental agencies on the environmental, public health and safety, economic, social, and land use impacts of the facility at the proposed sites.

(d) To solicit information regarding reasonable alternative sources of the electric generating capacity or energy to be provided by alternative sites and related facilities, or combinations thereof, which will better carry out the policies and objectives of this division.

25510. Within 90 days after the conclusion of such hearing or hearings, the commission shall prepare and make public a preliminary report on the notice of intention to file an application. Such report shall contain the comments and recommendations of local authorities as to the construction of any thermal powerplant or electric transmission line on a particular site. The commission may include within the preliminary report any other alternatives proposed by the commission or presented to the commission at a public hearing prior to preparation of the preliminary report. The preliminary

report shall be published and made available to interested parties and to interested agencies.

25511. The commission shall conduct a public hearing related to safety and health impacts of the alternative sites and related facilities. The commission shall, in conducting such hearing, consider the alternative sites and related facilities, on proposed emergency response plans for transport, handling, and storage of nuclear fuels, proposed methods of disposal of nuclear fuels, special handling of nuclear fuels, seismic and other potential impacts, control density of nuclear powerplants, and other factors. The commission may determine the reliability and safety of the alternative sites. The commission shall require the applicant, upon completion of onsite investigations, to submit a report. The commission shall determine the adequacy of the report. The applicant to provide a report shall include its findings and conclusions required by Section 25512.

25512. The preliminary report shall include the testimony presented at the hearing, the comments transmitted to the Commission and local agencies and the public, and the results of independent studies conducted by the Commission. The preliminary report shall include the conclusions, within the time period required in Sections 25511 and 25512, with respect to all of the factors listed in Section 25511.

(a) The degree to which the alternative sites and related facility proposed by the applicant is in conformity with the requirements of this division.

(1) The forecast of power demands and

report shall be published and made available to the public and to interested local, regional, state, and federal agencies.

25511. The commission shall review the factors related to safety and reliability of the facilities at each of the alternative sites designated in the notice. In addition to other information requested of the applicant, the commission shall, in determining the appropriateness of sites and related facilities, require detailed information on proposed emergency systems and safety precautions, plans for transport, handling and storage of wastes and fuels, proposed methods to prevent illegal diversion of nuclear fuels, special design features to account for seismic and other potential hazards, proposed methods to control density of population in areas surrounding nuclear powerplants, and such other information as the commission may determine to be relevant to the reliability and safety of the facility at the proposed sites. The commission shall analyze the information provided by the applicant, supplementing it, where necessary, by onsite investigations and other studies. The commission shall determine the adequacy of measures proposed by the applicant to protect public health and safety, and shall include its findings in the preliminary report required by Section 25510.

25512. The preliminary report shall be based upon testimony presented during any hearing on the notice, the comments transmitted by the Public Utilities Commission and local, regional, state, and federal agencies and the public to the commission, and the independent studies conducted by the commission's staff. The preliminary report shall include findings and conclusions, within the limitation of the information required in Sections 25502, 25503, 25504, and 25511, with respect to all of the following:

(a) The degree to which each alternative site and related facility proposal designated in the notice or presented at a hearing and considered by the commission is in conformity with both of the following:

(1) The forecast of statewide and service area electric power demands adopted pursuant to Section 25309,

except as provided in Section 25514.5.

(2) Applicable local, regional, state, and federal standards, ordinances, and laws.

(b) The relative merit of each alternative site and related facility proposal designated in the notice or presented at a public hearing and considered by the commission.

(c) The safety and reliability of the facility or facilities at each of the sites designated in the notice as determined by the commission pursuant to Section 25511.

25513. Within 30 days of the publication of the preliminary report, a copy of the report will be distributed to any person requesting the report prior to distribution. Any such person may respond in writing to the preliminary report. Such response shall be submitted to the commission no later than 60 days after distribution of the report.

25514. No later than 120 days after distribution of the preliminary report, a final report shall be prepared and distributed. The final report shall include, but not be limited to, all of the following:

(a) The findings and conclusions of the commission regarding the conformity of alternative sites and related facilities designated in the notice or presented at the informational hearing or hearings and reviewed by the commission with both of the following:

(1) The 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309, except as provided in Section 25514.5.

(2) The provisions of any state law or local or regional ordinance or regulation, including any long-range land use plans or guidelines adopted by the state or by any local or regional planning agency, which would be applicable but for the exclusive authority of the commission to certify sites and related facilities; and the standards adopted by the commission pursuant to Section 25216.3.

(b) Any findings and comments submitted by the California Coastal Zone Conservation Commission or any regional coastal zone conservation commission regarding

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(c) The co each alternati or presented commission. proposal, the design, constr will meet t established by

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conformity of any siting alternative proposed in the coastal zone with policies, regulations, or guidelines established by the commission. Such findings and comments, however, shall not constitute approval of any permit required from any regional coastal zone conservation commission or California Coastal Zone Conservation Commission on appeal.

(c) The commission's findings on the acceptability of each alternative siting proposal designated in the notice or presented at the hearings and reviewed by the commission. In its findings on any alternative siting proposal, the commission may specify modification in the design, construction, location, or other conditions which will meet the standards, policies, and guidelines established by the commission.

(d) Any conditions, modifications, or criteria proposed for any site and related facility proposal resulting from the commission's evaluation pursuant to subdivision (c) of Section 25512.

25514.3. In specifying any modifications, conditions, or criteria pursuant to Section 25514, for sites and related facilities requiring a certificate of public convenience and necessity, the commission shall request the comments and recommendations of the Public Utilities Commission on the economic, financial, rate, system reliability, and service implications of such modifications, conditions, or criteria.

25514.5. In considering the acceptability of a site proposed to accommodate ultimately additional power-generating capacity, the commission, in determining, pursuant to Sections 25514 and 25512, the conformity of the facilities proposed in the notice with the 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309, shall base its determination only on such initial facilities as are proposed for operation within the forthcoming 10-year period. Additional facilities projected to be operating at the site at a time beyond the forthcoming 10-year period shall not be considered in the determination of conformity with the electric power demand forecast.

25515. No later than 30 days after the final report is distributed, a hearing or hearings on the final report shall be commenced. Such hearings shall be concluded within 30 days of their commencement.

25516. The approval of the notice by the commission shall be based upon findings pursuant to Section 25514. The commission's decision shall be issued within 60 days after the conclusion of the hearings on the final report. The notice shall not be approved unless the commission finds at least two alternative site and related facility proposals considered in the commission's final report as acceptable. If the commission does not find at least two sites and related facilities acceptable, additional sites and related facilities may be proposed by the applicant which shall be considered in the same manner as those proposed in the original notice.

If the commission finds that a good faith effort has been made by the person submitting the notice to find an acceptable alternative site and related facility and that there is only one acceptable site and related facility among those submitted, the commission may approve the notice based on the one site and related facility. If a notice is approved based on one site and related facility, the commission may require a new notice to be filed to identify acceptable alternative sites and related facilities for the one site and related facility approved.

If the commission finds that additional electric generating capacity is needed to accommodate the electric power demand forecast pursuant to subdivision (b) of Section 25309 and, after the commission finds that a good faith effort was made by the person submitting the notice to propose an acceptable site and related facility, it fails to find any proposed site and related facility to be acceptable, the commission shall designate, at the request of and at the expense of the person submitting the notice, a feasible site and related facility for providing the needed electric generating capacity.

25516.5. On a notice which proposes an expanded ultimate electric generating capacity for a site, the commission may, based upon findings pursuant to Section 25514, either approve the notice only for the initial

facility or facilities forthcoming 10-year plan for the initial facility acceptable for additional facilities tentatively proposed and type of such action by the commission.

If a notice is approved for a particular site is situated on additional general designated a potential multiple criteria necessary to will not exceed the

25517. Except for 25501.3, after the construction of a transmission line utility without first in this division. And as construction is determined by the the environment,

25518. Except for Section 25501, the no certificate of project site or related electric obtained a certificate

25518.5. Nothing concurrent initiation public convenience Utilities Commission Section 25518.

25519. (a) In a site and related facility Such application commission and s later than 18 months commence. Such

facility or facilities proposed for operation within the forthcoming 10-year period or may approve the notice for the initial facility or facilities and find the site acceptable for additional generating capacity of the type tentatively proposed. The maximum allowable amount and type of such additional capacity shall be determined by the commission.

If a notice is approved which includes a finding that a particular site is suitable to accommodate a particular additional generating capacity, the site shall be designated a potential multiple-facility site. The commission may, in determining the acceptability of a potential multiple-facility site, specify conditions or criteria necessary to insure that future additional facilities will not exceed the limitations of the site.

25517. Except as provided in Sections 25501 and 25501.3, after the effective date of this division, no construction of any thermal powerplant or electric transmission line shall be commenced by any electric utility without first obtaining certification as prescribed in this division. Any onsite improvements not qualifying as construction may be required to be restored as determined by the commission as necessary to protect the environment, if certification is denied.

25518. Except as provided in subdivision (b) of Section 25501, the Public Utilities Commission shall issue no certificate of public convenience and necessity for a site or related electrical facilities unless the utility has obtained a certificate from the commission.

25518.5. Nothing in this division shall preclude the concurrent initiation of an application for a certificate of public convenience and necessity from the Public Utilities Commission subject to the condition specified in Section 25518.

25519. (a) In order to obtain certification for a site and related facility, an application for certification of such site and related facility shall be filed with the commission. Such application shall be in a form prescribed by the commission and shall be filed with the commission no later than 18 months before any construction is to commence. Such application shall be for a site and



related facility which has been found to be acceptable by the commission pursuant to Section 25516, or for an additional facility at a site which has been designated a potential multiple-facility site pursuant to Section 25514.5 and found to be acceptable pursuant to Sections 25516 and 25516.5. An application for an additional facility at a potential multiple-facility site shall be subject to the conditions and review specified in Section 25520.5. An application may not be filed for a site and related facility, if there is no suitable alternative for the site and related facility which was previously found to be acceptable by the commission, unless the commission has approved the notice based on the one site as specified in Section 25516.

(b) The commission, upon its own motion or in response to the request of any party, may require the applicant to submit any information, document, or data, in addition to the attachments required by subdivision (i), which it determines is reasonably necessary to make any decision on the application.

(c) Upon receipt of the application, the commission shall undertake studies and investigations necessary to comply with the environmental impact reporting procedures established pursuant to Section 21100. For purposes of preparation and approval of the environmental impact report on a proposed site and related facility, the commission shall be the lead agency as provided in Section 21165, except as to any site and related facility proposed to be located within the permit area if a permit from the California Coastal Zone Conservation Commission is required. Except as otherwise provided in Division 13 (commencing with Section 21000), the environmental impact report shall be completed within one year after receipt of the application.

(d) If the site and related facility specified in the application is proposed to be located in the coastal zone and a permit is required from the California Coastal Zone Conservation Commission, the commission shall transmit a copy of the application to the California Coastal Zone Conservation Commission for its review and comments.

(e) Upon receipt of an application, the commission

shall forward agencies having jurisdiction in the area of the project. The agencies shall submit comments on the architectural and engineering drawings to highways, local agencies in the area of the project, and the public. The agency of the design, construction and operation of the site and related facilities shall be responsible for the design, construction and operation of the site and related facilities.

(f) Upon request, the Commission shall cause a statement to be published in a newspaper of general circulation in which the site is located, or in a newspaper designated in writing by the Commission. The commission shall provide access to each federal agency, and shall provide special interest groups and related federal agencies.

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shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Such local agencies shall review the application and submit comments on, among other things, the design of facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

(f) Upon receipt of an application, the commission shall cause a summary of the application to be published in a newspaper of general circulation in the county in which the site and related facilities, or any part thereof, designated in the application, is proposed to be located. The commission shall transmit a copy of the application to each federal and state agency having jurisdiction or special interest in matters pertinent to the proposed site and related facilities, and to the Attorney General.

(g) The adviser shall require that adequate notice is given to the public and that the procedures specified by this division are complied with.

(h) For any proposed site and related facility requiring a certificate of public convenience and necessity, the commission shall transmit a copy of the application to the Public Utilities Commission and request the comments and recommendations of the Public Utilities Commission on the economic, financial, rate, system reliability, and service implications of the proposed site and related facility. In the event the commission requires modification of the proposed facility, the commission shall consult with the Public Utilities Commission regarding the economic, financial, rate, system reliability, and service implications of such modifications.

(i) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each such agency. The commission

shall request any relevant laws, ordinances, or regulations which any such agency has promulgated or administered.

(j) An application for certification of any site and related facilities shall contain a listing of every federal agency from which any approval or authorization concerning the proposed site is required, specifying the approvals or authorizations obtained at the time of the application and the schedule for obtaining any approvals or authorizations pending.

25520. The application shall contain the following and such other information as the commission by regulation may require:

(a) A detailed description of the design, construction, and operation of the proposed facility.

(b) Safety and reliability information, including, in addition to documentation previously provided pursuant to Section 25511, planned provisions for emergency operations and shutdowns.

(c) Available site information, including maps and descriptions of present and proposed development and, as appropriate, geological, aesthetic, ecological, seismic, water supply, population and load center data, and justification for the particular site proposed.

(d) Such other information relating to the design, operation, and siting of the facility as the commission may specify.

(e) A statement of need providing information showing compatibility of the proposed facility with the most recent biennial report issued by the commission pursuant to Section 25309.

(f) A description of the facility, the cost of the facility, the fuel to be used, the source of fuel, fuel cost, plant service life and capacity factor, and generating cost per kilowatt hour.

(g) A description of any electric transmission lines including the estimated cost of the proposed electric transmission line; a map in suitable scale of the proposed routing showing details of the rights-of-way in the vicinity of settled areas, parks, recreational areas, and scenic areas, and existing transmission lines within one mile of the proposed route; and justification for the route and a

preliminary electric transmission line and scenic, historic, and cultural resources.

25520.5. In addition to the information required by Section 25520, the application shall include a determination of the impact of the proposed facility on the site issued pursuant to the conditions and standards set forth in the proposed conditions and standards.

(b) Within 90 days of the receipt of the application, the commission shall, after a public hearing and after adopting a resolution, issue its decision on the proposed facility based on the information submitted in the subdivision application. The decision shall be the final decision on the application.

Section 25521. The commission shall issue a final decision on the application within 90 days of the receipt of the application.

(c) The commission shall, after a public hearing and after adopting a resolution, issue its decision on the proposed facility based on the information submitted in the subdivision application. The decision shall be the final decision on the application.

25521. Notwithstanding any other provision of law, the date of the commission's decision shall commence the period for the commission to complete the project in the Sacramento-San Joaquin River Delta, whichever is later, the commission shall complete the project in the county in which the project is located within the time specified in the application.

25522. For the purposes of this section, the application shall be deemed to be mutually agreed to by the commission and the applicant if the commission has approved the application and the applicant has accepted the conditions and standards set forth in the application.



preliminary description of the effect of the proposed electric transmission line on the environment, ecology, and scenic, historic and recreational values.

25520.5. (a) In reviewing an application for an additional facility at a potential multiple-facility site, the commission shall undertake a reconsideration of its prior determinations in the final report on the notice for the site issued pursuant to Section 25514, based on current conditions and other reasonable and feasible alternatives to the proposed facility.

(b) Within 180 days of the filing of the application for an additional facility at a potential multiple-facility site and after adequate public hearings, the commission shall issue its decision on the acceptability of the proposed facility based on the reconsideration specified in subdivision (a) of this section. A negative determination shall be the final decision of the commission on the application and subject to judicial review pursuant to Section 25531. An affirmative determination shall not be a final decision of the commission on the application.

(c) The decision of the commission on an application for an additional facility at a potential multiple-facility site receiving a favorable determination pursuant to subdivision (b) of this section shall be issued within 24 months after the filing of the application or at such later time as is mutually agreed upon by the commission and the applicant.

25521. No earlier than 90 nor later than 240 days after the date of the filing of an application, the commission shall commence a public hearing or hearings thereon in Sacramento, San Francisco, Los Angeles, or San Diego, whichever city is nearest the proposed site. Additionally, the commission may hold a hearing or hearings in the county in which the proposed site and related facilities are to be located.

25522. Except as provided in subdivision (c) of Section 25520.5, within 18 months of the filing of an application for certification or at such later time as is mutually agreed by the commission and the applicant, the commission shall issue a written decision as to such application.

**25523.** The commission shall prepare a written decision after a public hearing or hearings on an application, which shall include all of the following:

(a) Specific provisions relating to the manner in which the proposed facility is to be designed, sited, and operated in order to protect environmental quality and assure public health and safety.

(b) Findings regarding the conformity of the proposed site and related facilities with standards adopted by the commission pursuant to Section 25216.3 and subdivision (d) of Section 25402, with public safety standards and the applicable air and water quality standards, and with other relevant local, regional, state, and federal standards, ordinances, or laws. If the commission finds that there is noncompliance with any state, local, or regional ordinance or regulation in the application, it shall consult and meet with the state, local, or regional governmental agency concerned to attempt to correct or eliminate the noncompliance. If the noncompliance cannot be corrected or eliminated, the commission shall inform the state, local, or regional governmental agency if it makes the findings required by Section 25525.

(c) Provision for restoring the site as necessary to protect the environment, if the commission denies approval of the application.

(d) Findings regarding the conformity of the proposed facility with the 10-year forecast of statewide and service area electric power demands adopted pursuant to subdivision (b) of Section 25309.

**25524.** The commission shall not certify any facility contained in the application, unless its findings with respect to subdivision (d) of Section 25523 are in the affirmative.

**25524.5.** The commission shall not certify any facility which adds generating capacity to a potential multiple-facility site in excess of the maximum allowable capacity established by the commission pursuant to Section 25516.5, unless the commission finds that exceeding the maximum allowable capacity will not increase adverse environmental impacts or create

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**25525.** The contained in t subdivision (b) conform with standards, ord determines th convenience a prudent and convenience commission m federal law or n be reduced to v pursuant to Se

**25526.** The contained in t located, in whc a permit from Commission is be obtained b Approval of a conservation c Conservation C authority of the facility contain division.

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technological, seismic, or other difficulties beyond those already found acceptable in the commission's findings on the notice for that site pursuant to Sections 25516 and 25516.5.

25525. The commission shall not certify any facility contained in the application when it finds, pursuant to subdivision (b) of Section 25523, that the facility does not conform with any applicable state, local, or regional standards, ordinances, or laws, unless the commission determines that such facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving such public convenience and necessity. In no event shall the commission make any finding in conflict with applicable federal law or regulation. The basis for such findings shall be reduced to writing and submitted as part of the record pursuant to Section 25523.

25526. The commission may certify any facility contained in the application which is proposed to be located, in whole or in part, within the permit area unless a permit from the California Coastal Zone Conservation Commission is required, in which case such permit shall be obtained before the certificate may be granted. Approval of a permit by any regional coastal zone conservation commission, or the California Coastal Zone Conservation Commission on appeal, shall not affect the authority of the commission to deny certification for any facility contained in the application, as provided in this division.

25527. The following areas of the state shall not be approved as a site for a facility, unless the commission finds that such use is not inconsistent with the primary uses of such lands and that there will be no substantial adverse environmental effects and the approval of any public agency having ownership or control of such lands is obtained:

(a) State, regional, county and city parks; wilderness, scenic or natural reserves; areas for wildlife protection, recreation, historic preservation; or natural preservation areas in existence on the effective date of this division.

(b) Estuaries in an essentially natural and



undeveloped state.

In considering applications for certification, the commission shall give the greatest consideration to the need for protecting areas of critical environmental concern, including, but not limited to, unique and irreplaceable scientific, scenic, and educational wildlife habitats; unique historical, archaeological, and cultural sites; lands of hazardous concern; and areas under consideration by the state or the United States for wilderness, or wildlife and game reserves.

25528. (a) The commission shall require, as a condition of certification of any site and related facility, that the applicant acquire, by grant or contract, the right to prohibit development of privately owned lands in the area of the proposed site which will result in population densities in excess of the maximum population densities which the commission determines, as to the factors considered by the commission pursuant to Section 25511, are necessary to protect public health and safety. The power of condemnation is hereby granted to the applicant to acquire such development rights and the requirement of the commission that any such rights be acquired is a conclusive finding of the public necessity of such condemnation; provided, however, that nothing in this division grants or extends a right of condemnation to any person or applicant who has not otherwise been granted such right under any other provision of law prior to the effective date of this division.

(b) In the case of an application for a nuclear facility, the area and population density necessary to insure the public's health and safety designated by the commission shall be that as determined from time to time by the United States Atomic Energy Commission, if the commission finds that such determination is sufficiently definitive for valid land use planning requirements.

(c) The commission shall waive the requirements of the acquisition of development rights by an applicant to the extent that the commission finds that existing governmental land use restrictions are of a type necessary and sufficient to guarantee the maintenance of population levels and land use development over the

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lifetime of the facility which will insure the public health and safety requirements set pursuant to this section.

(d) No change in governmental land use restrictions in such areas designated in subdivision (c) of this section by any government agency shall be effective until approved by the commission. Such approval shall certify that the change in land use restrictions is not in conflict with requirements provided for by this section.

(e) It is not the intent of the Legislature by the enactment of this section to take private property for public use without payment of just compensation in violation of the United States Constitution or the Constitution of California.

25529. When a facility is proposed to be located in the coastal zone or any other area with recreational, scenic, or historic value, the commission shall require, as a condition of certification of any facility contained in the application, that an area be established for public use, as determined by the commission. Lands within such area shall be acquired and maintained by the applicant and shall be available for public access and use, subject to restrictions required for security and public safety. The applicant may dedicate such public use zone to any local agency agreeing to operate or maintain it for the benefit of the public. If no local agency agrees to operate or maintain the public use zone for the benefit of the public, the applicant may dedicate such zone to the state. The commission shall also require that any facility to be located along the coast or shoreline of any major body of water be set back from the shoreline to permit reasonable public use and to protect scenic and aesthetic values.

25530. The commission may order a reconsideration of all or part of a decision or order on its own motion or on petition of any party.

Any such petition shall be filed within 30 days after adoption by the commission of a decision or order. The commission shall not order a reconsideration on its own motion more than 30 days after it has adopted a decision or order. The commission shall order or deny reconsideration on a petition therefor within 30 days after the petition is filed.

A decision or order may be reconsidered by the commission on the basis of all pertinent portions of the record together with such argument as the commission may permit, or the commission may hold a further hearing, after notice to all interested persons. A decision or order of the commission on reconsideration shall have the same force and effect as an original order or decision.

25531. (a) The decisions of the commission on any application of any electric utility for certification of a site and related facility shall be subject to judicial review in the same manner as the decisions of the Public Utilities Commission on the application for a Certificate of Public Convenience and Necessity for the same site and related facility.

(b) No new or additional evidence may be introduced upon review and the cause shall be heard on the record of the commission as certified to by it. The review shall not be extended further than to determine whether the commission has regularly pursued its authority, including a determination of whether the order or decision under review violates any right of the petitioner under the United States Constitution or the California Constitution. The findings and conclusions of the commission on questions of fact shall be final and shall not be subject to review, except as provided in this article. Such questions of fact shall include ultimate facts and the findings and conclusions of the commission. A report prepared by, or an approval of, the commission pursuant to Section 25510, 25514, 25516, or 25516.5, or subdivision (b) of Section 25520.5, shall not constitute a decision of the commission subject to judicial review.

(c) Subject to the right of judicial review of decisions of the commission, no court in this state shall have jurisdiction to hear or determine any case or controversy concerning any matter which was, or could have been, determined in a proceeding before the commission, or to stop or delay the construction or operation of any thermal powerplant except to enforce compliance with the provisions of a decision of the commission.

25532. The commission shall establish a monitoring system to assure that any facility certified under this

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division is constructed and is operating in compliance with air and water quality, public health and safety, and other applicable regulations, guidelines, and conditions adopted or established by the commission or specified in the written decision on the application. In designing and operating the monitoring system, the commission shall seek the cooperation and assistance of the State Air Resources Board, the State Water Resources Control Board, the Department of Health, and other state, regional, and local agencies which have an interest in environmental control.

25534. The commission may after hearings amend the conditions of, or revoke the certification for, any facility for any of the following reasons:

(a) For any material false statement set forth in the application, presented in proceedings of the commission, or included in supplemental documentation provided by the applicant.

(b) For other than insignificant failure to comply with the terms or conditions of approval of the application as specified by the commission in its written decision.

(c) For violation of any provision of this division or any regulation or order issued by the commission under this division.

25535. Such cost as the applicant incurs to comply with the decision of the commission shall be allowed for ratemaking purposes.

25536. Pending completion of the statewide and service area forecasts of electric power demand specified in Section 25309, the commission shall utilize as an interim forecast for purposes of determining the acceptability of alternative site and related facility proposals as provided in subdivision (a) of Section 25514 and subdivision (d) of Section 25523, the 10-year forecast of loads and resources prepared by the Public Utilities Commission from reports required or submitted as of March 31, 1974, under Sections 2 and 3 of General Order 131 of the Public Utilities Commission. On the first June 1st and the second June 1st following the effective date of this division, the commission shall commence public hearings, at least one of which shall be in the City of

Sacramento. Any person may participate in any such hearings. The hearing shall be conducted to secure the views and comments of the public, the electric utilities, other state and federal agencies, and city and county governments regarding revision of the interim forecasts based on the considerations specified in Section 25304 and on updated information regarding forecast loads and resources submitted by any electric utility. Such hearings shall be concluded within 30 days from the date of their commencement. Within 60 days of the conclusion of the hearings specified in this section, the commission shall issue a final report specifying the revisions, if any, to the interim forecast. The report shall be based upon the information and views presented at the public hearings and the commission's independent analysis.

25537. Upon approval of an application, the commission shall forward to the Atomic Energy Commission, the Environmental Protection Agency, and to other appropriate federal agencies, the results of its studies including the environmental impact report on the facility, the written decision on the facility contained in the application, and the commission's determination of facility safety and reliability as provided in Section 25511.

25538. Upon receiving the commission's request for review under subdivision (e) of Section 25519 and Section 25506, the local agency may request a fee from the commission to reimburse the local agency for the actual and added costs of such review by the local agency. The commission shall reimburse the local agency for such added costs that shall be actually incurred by the local agency in complying with the commission's request. The commission may request a fee from the person proposing the project or may devote a special fund in its budget for the reimbursement of costs incurred by local agencies.

25539. In reviewing notices and applications for certification of modifications of existing facilities, the commission shall adopt rules and regulations as necessary to insure that relevant duties pursuant to this division are carried out.

25540. If a person proposes to construct a geothermal powerplant and related facility or facilities on a site, the

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commission shall not require three alternative sites and related facilities to be proposed in the notice. In considering the proposed construction of a geothermal powerplant and related facilities on a site, the commission shall issue its findings on the notice as specified in Section 25516 within nine months from the date of filing of such notice, and shall issue its final and decision on the application as specified in Section 25523 within nine months from the date of filing of the application for certification, or at such later time as is mutually agreed by the commission and the applicant or person submitting the notice.

25541. The commission may exempt from the provisions of this chapter thermal powerplants with a generating capacity of up to 100 megawatts and modifications to existing generating facilities which do not add capacity in excess of 100 megawatts, if the commission finds both of the following:

(a) No substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.

(b) Generating capacity will not be added which is substantially in excess of the forecast of electrical energy demands adopted pursuant to subdivision (b) of Section 25309.

25542. In the case of any site and related facility or facilities for which the provisions of this division do not apply, the exclusive power given to the commission pursuant to Section 25500 to certify sites and related facilities shall not be in effect.

## CHAPTER 7. RESEARCH AND DEVELOPMENT

25600. The commission shall develop and coordinate a program of research and development in energy supply, consumption, and conservation and the technology of siting facilities and shall give priority to those forms of research and development which are of particular importance to the state, including, but not limited to, all of the following:



(a) Methods of energy conservation specified in Chapter 5 (commencing with Section 25400).

(b) Increased energy use efficiencies of existing thermal electric and hydroelectric powerplants and increased energy efficiencies in designs of thermal electric and hydroelectric powerplants.

(c) Exploration and accelerated development of alternative sources of energy, including geothermal and solar energy resources.

(d) Improved methods of construction, design, and operation of facilities to protect against seismic hazards.

(e) Improved methods of energy demand forecasting.

25601. The commission shall carry out technical assessment studies on all forms of energy and energy related problems, in order to influence federal research and development priorities and to be informed on future energy options and their impacts, including, in addition to those problems specified in Section 25600, but not limited to, the following:

(a) Advanced nuclear powerplant concepts, fusion, and fuel cells.

(b) Total energy concepts.

(c) New technology related to coastal and offshore siting of facilities.

(d) Expanded use of wastewater as cooling water and other advances in powerplant cooling.

(e) Improved methods of power transmission to permit interstate and interregional transfer and exchange of bulk electric power.

(f) Measures to reduce wasteful and inefficient uses of energy.

(g) Shifts in transportation modes and changes in transportation technology in relation to implications for energy consumption.

(h) Methods of recycling, extraction, processing, fabricating, handling, or disposing of materials, especially materials which require large commitments of energy.

(i) Expanded recycling of materials and its effect on energy consumption.

(j) Implications of government subsidies and taxation and ratesetting policies.

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(k) Utilization of waste heat.

(l) Use of hydrogen as an energy form.

(m) Use of agricultural products, municipal wastes, and organic refuse as an energy source.

Such assessments may also be conducted in order to determine which energy systems among competing technologies are most compatible with standards established pursuant to this division.

25602. For research purposes, the commission shall, in cooperation with other state agencies, participate in the design, construction, and operation of energy conserving buildings using data developed pursuant to Section 25401, in order to demonstrate the economic and technical feasibility of such designs.

25603. Beginning with, and for, the 1976-77 fiscal year, the commission shall submit to the Governor for inclusion in the state budget an integrated program of proposed research and development and technical assessment projects set forth on an item-by-item basis including the priority items established in Sections 25600, 25601, and 25602. The commission shall describe for each item the objectives and anticipated end product of each project, funding and staff requirements, timing and other information which is necessary to describe the projects adequately. As part of each submission, the commission shall describe the progress of its programs.

25604. For purposes of carrying out the provisions of this chapter, the commission may contract with any person for materials and services that cannot be performed by its staff or other state agencies, and may apply for federal grants or any other funding.

## CHAPTER 8. ENERGY SHORTAGE CONTINGENCY PLANNING

25700. The commission shall, in accordance with the provisions of this chapter, develop contingency plans to deal with possible shortages of electrical energy or fuel supplies to protect public health, safety, and welfare.

25701. (a) Within six months after the effective date of this division, each electric utility, gas utility, and fuel

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wholesaler or manufacturer in the state shall prepare and submit to the commission a proposed emergency load curtailment plan or emergency energy supply distribution plan setting forth proposals for identifying priority loads or users in the event of a sudden and serious shortage of fuels or interruption in the generation of electricity.

(b) The commission shall encourage electric utilities to cooperate in joint preparation of an emergency load curtailment plan or emergency energy distribution plan. If such a cooperative plan is developed between two or more electric utilities, such utilities may submit such joint plans to the commission in place of individual plans required by subdivision (a) of this section.

(c) The commission shall collect from all relevant governmental agencies, including, but not limited to, the Public Utilities Commission and the Office of Emergency Services, any existing contingency plans for dealing with sudden energy shortages or information related thereto.

25702. The commission shall, after one or more public hearings, review the emergency load curtailment program plans or emergency energy supply distribution plans submitted pursuant to Section 25701, and, within one year after the effective date of this division, the commission shall approve and recommend to the Governor and the Legislature plans for emergency load curtailment and energy supply distribution in the event of a sudden energy shortage. Such plans shall be based upon the plans presented by the electric utilities, gas utilities, and fuel wholesalers or manufacturers, information provided by other governmental agencies, independent analysis and study by the commission and information provided at the hearing or hearings. Such plans shall provide for the provision of essential services, the protection of public health, safety, and welfare, and the maintenance of a sound basic state economy. Provision shall be made in such plans to eliminate wasteful, uneconomic, and unnecessary uses of energy in times of shortages and to differentiate curtailment of energy consumption by users on the basis of ability to accommodate such curtailments. Such plans shall also

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specify the authority of and recommend the appropriate actions of state and local governmental agencies in dealing with energy shortages.

25703. Within four months after the date of certification of any new facility, the commission shall review and revise the recommended plans based on additional new capacity attributed to any such facility. The commission shall, after one or more public hearings, review the plans at least every five years from the approval of the initial plan as specified in Section 25702.

25704. The commission shall carry out studies to determine if potential serious shortages of electrical, natural gas, or other sources of energy are likely to occur and shall make recommendations to the Governor and the Legislature concerning administrative and legislative actions required to avert possible energy supply emergencies or serious fuel shortages, including, but not limited to, energy conservation and energy development measures, to grant authority to specific governmental agencies or officers to take actions in the event of a sudden energy shortage, and to clarify and coordinate existing responsibilities for energy emergency actions.

25705. If the commission determines that all reasonable conservation, allocation, and service restriction measures will not alleviate an energy supply emergency, and upon a declaration by the Governor or by an act of the Legislature that a threat to public health, safety, and welfare exists and requires immediate action, the commission may authorize the construction and use of generating facilities not to exceed 250 megawatts net electrical generating capacity per unit under such terms and conditions as specified by the commission to protect the public interest.

Within 60 days after the authorization of construction and use of such generating facilities, the commission shall issue a report detailing the full nature, extent, and estimated duration of the emergency situation and making recommendations to the Governor and the Legislature for further energy conservation and energy supply measures to alleviate the emergency situation as alternatives to use of such generating facilities.

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The commission shall include, among the recommendations specified in Section 25704, suggestions for modifying the maximum size limit for generating facilities specified in this section.

#### CHAPTER 9. STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT SPECIAL ACCOUNT

25800. There is in the General Fund in the State Treasury the State Energy Resources Conservation and Development Special Account. On and after the effective date of this division, each electric utility shall add a surcharge of one-tenth of a mill (\$0.0001) per kilowatt-hour to the cost of electric power sold to consumers in the state; provided, however, that after January 1, 1976, the State Board of Equalization shall establish a surcharge rate in accordance with the following schedule which shall be sufficient to provide the revenue necessary to fund expenditures from the account appropriated by the Legislature in the Budget Act for the 1975-76 fiscal year and each fiscal year thereafter; and provided, further, that such increases shall become effective on September 1 of the year in which the State Board of Equalization establishes that an increase or decrease in accordance with the following schedule is necessary to produce sufficient revenues to fund the appropriations contained in the Budget Act:

##### Schedule.

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 Twelve hundredths of a mill (\$0.00012).  
 Thirteen hundredths of a mill (\$0.00013).  
 Fourteen hundredths of a mill (\$0.00014).  
 Fifteen hundredths of a mill (\$0.00015).  
 Sixteen hundredths of a mill (\$0.00016).  
 Seventeen hundredths of a mill (\$0.00017).  
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The State Board of Equalization shall notify every electric utility of the rate established pursuant to this section, and every electric utility shall report all surcharges in the manner and on the forms as prescribed by the State Board of Equalization.

25801. Every electric utility shall make quarterly payments, commencing on April 1, 1975, to the State Board of Equalization of all surcharges applicable under the provisions of Section 25800.

25802. Each person who submits to the commission a notice of intent for any proposed generating facility shall accompany the notice with a fee of one cent (\$0.01) per kilowatt of net electric capacity of the proposed generation facility. Such fee shall only be paid on one of the alternate proposed facility sites which has the highest electrical designed capacity. In no event shall such fee be less than one thousand dollars (\$1,000) nor more than twenty-five thousand dollars (\$25,000).

For any other facility, the notice shall be accompanied by a fee of five thousand dollars (\$5,000). Such fee shall only be paid on one of the alternate proposed facility sites.

25803. All funds received by the State Board of Equalization pursuant to Sections 25800 and 25801, and the funds received by the commission pursuant to Section 25802, shall be remitted to the State Treasurer for deposit in the account. All funds in the account shall be expended for purposes of carrying out the provisions of this division, when appropriated by the Legislature in the Budget Act.

#### CHAPTER 10. ENFORCEMENT AND JUDICIAL REVIEW

25900. Except as provided in Section 25531, whenever the commission finds that any provision of this division is violated or a violation is threatening to take place which constitutes an emergency requiring immediate action to protect the public health, welfare, or safety, the Attorney General, upon request of the commission, shall petition a court to enjoin such violation. The court shall have jurisdiction to grant such prohibitory or mandatory



injunctive relief as may be warranted by way of temporary restraining order, preliminary injunction, and permanent injunction.

25901. (a) Within 30 days after the commission issues its determination on any matter specified in this division, except as provided in Section 25531, any aggrieved person may file with the superior court a petition for a writ of mandate for review thereof. Failure to file such an action shall not preclude a person from challenging the reasonableness and validity of a decision in any judicial proceedings brought to enforce such decision for other civil remedies.

(b) The evidence before the court shall consist of the record before the commission, and any other relevant facts which, in the judgment of the court, should be considered in determining the validity of any decision of the commission.

(c) Except as otherwise provided herein, the provisions of subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern proceedings pursuant to this section.

25902. Any evaluations in the reports required by Sections 25309 and 25536 and any findings and determinations on the notice of intent pursuant to Chapter 6 (commencing with Section 25500) of this division shall not be construed as a final evaluation, finding, or determination by the commission and a court action may not be brought to review any such evaluation, finding, or determination.

25903. If any provision of subdivision (a) of Section 25531, with respect to judicial review of the decision on certification of a site and related facility, is held invalid, judicial review of such decisions shall be conducted in the superior court subject to the conditions of subdivision (b) of Section 25531. The superior court shall grant priority in setting such matters for review, and the appeals from any such review shall be given preference in hearings in the Supreme Court and courts of appeal.

SEC. 3. Chapter 11 (commencing with Section 19870) of Part 3 of Division 13 of the Health and Safety Code is repealed.

SEC. 4. Notwithstanding Section 2231 of the Revenue and Taxation Code, there shall be no reimbursement pursuant to that section nor shall there be any appropriation made by this act for the following reasons:

(a) The duties, obligations or responsibilities imposed on local governmental entities as consumers of electric power in the form of the special surcharge are minor in nature and will not cause any financial burden on local government.

(b) Self-financing authority is provided in the form of rate increases by Section 12809 of the Public Utilities Code.

(c) The Legislature recognizes that during any legislative session a variety of changes to laws relating to crimes and infractions may cause both increased and decreased costs to local governmental entities which in the aggregate, do not result in significant identifiable cost changes.

SEC. 5. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 6. The Legislature hereby declares that the enactment of Chapter 9 (commencing with Section 25800) of Division 15 of the Public Resources Code by this act does not preempt the field of taxation upon the use of electrical energy and shall not affect the validity of any such tax imposed by a chartered city.

SEC. 7. This act shall become operative on January 7, 1975; except that Section 3 of this act shall not become operative until the date one year after the date the State Energy Resources Conservation and Development Commission adopts regulations for energy insulation for residential buildings pursuant to subdivision (a) of Section 25402 of the Public Resources Code.